IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 900 OF 2005

IN

STAMP NUMBER MAIN NO. 2808 OF 2005

SMT.KAMALA DIGAMBAR KHATKHATE AND 3 ORS., ...Applicants

Versus

MADHURI P. BAOKAR AND ORS., ...Respondents

Mrs. Shubhalaxmi S. Naik for the applicants.

Mr. R.G.Ramani for Respondent No.Vi(a) & (b).

Coram:- V.C.DAGA, J.

Date:- 26th July, 2006

P.C. :

Heard learned counsel for the rival parties.

One appeal against the very same impugned order being Appeal from Order No.69 of 2004, was disposed of by this Court vide order dated 11th August, 2005. The present applicants/ appellants were parties to the said appeal. It was, therefore, open for the appellants to prefer this appeal at that point of time.

The law of revision is well settled. Revision was not tenable against the impugned order. Even no writ petition was maintainable against the impugned order, especially, when appeal from order was provided. The legal position was absolutely clear.

The very attempt to file this appeal after disposal of earlier appeal

(Appeal from Order No.69/2004) is nothing but an attempt to take fresh chance. Considering the peculiar facts of the case and conduct of the applicants/ appellants, it is not a fit case for exercise of power to condone delay. Even otherwise, on merits, no case is made out to grant prayer for condonation of delay.

The application for condonation of delay is, thus, rejected with no order as to costs.

Appeal papers be consigned to record.

V.C.DAGA, J.

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